

REMARKS

Claims 39, 41, 43, 45-51, 53, 55, 57, 59, 61, 63, 65-72 and 74-95 are currently pending. Claims 39, 41, 43, 45-51, 53, 55, 57, 59, 61, 63, 65-72 and 74-95 are rejected under the grounds of nonstatutory obviousness-type double patenting. Applicants respectfully request reconsideration of the application, withdrawal of all rejections, and allowance of the application in view of the amendments and remarks below.

Amendments to the Claims

Applicants have amended claim 39 for clarity. The amendment is supported by the specification and does not introduce new matter. The Examiner is respectfully requested to enter the amendment and allow all claims.

Double Patenting

Claims 39, 41, 43, 45-51, 53, 55, 57, 59, 61, 63, 65-72 and 74-95 are rejected on the ground of nonstatutory obviousness-type double patenting over claims of 67 U.S. Patents and 20 U.S. Applications listed in the Tables appearing on pages 4-6 of the Office Action in view of the Physician's Desk Reference.

Applicants have filed a terminal disclaimer with respect to U.S. Patent Nos. 6,682,716; and 7,090,830; and U.S. Application Nos. 10/696,959 and 11/504,419. In a subsequent telephonic discussion with Attorney Katherine Lobel-Rice, Examiner Mina Haghighatian informed Applicants that the double patenting rejection could be overcome by filing terminal disclaimers with respect to U.S. Application Nos. 10/057,197, 10/057,198, 10/437,643. In order to remove the rejection, a terminal disclaimer with respect to the above-identified U.S. Applications is submitted herewith.

Applicants believe that the filing of the terminal disclaimer addresses the Examiner's concerns and respectfully request reconsideration of the application, withdrawal of the rejections, and allowance of the application in view of these actions and remarks.

Conclusion

Applicants appreciate the Examiner's careful and thorough review of the application. Applicants request the Examiner to allow the application. In the event the Examiner believes a

telephonic discussion would expedite allowance or help to resolve outstanding issues, prosecution of the application, then the Examiner is invited to call the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to Deposit Account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to Deposit Account No. 19-5117.

Respectfully submitted,

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